

Docket No.: 000023.0122
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hendricus Franciscus J.M. van der EERDEN et al.

Application No.: 10/519,071

Confirmation No.: 7470

Filed: December 23, 2004

Art Unit: 1791

For: METHOD AND MOULDING DEVICES FOR
MOULDING THREE-DIMENSIONAL
PRODUCTS

Examiner: Emmanuel S. Luk

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR 1.97, Applicants hereby make of record the following additional documents. A PTO Form SB/08 and a full copy of each of the documents required under 37 CFR 1.98(a)(2) accompany this statement.

Applicants became aware of the following documents, cited in a Japanese Office Action mailed June 25, 2008, during the prosecution of Japanese Patent Application No. 2004-517399, which corresponds to the above referenced application, and in accordance with 37 CFR 1.97(c) and (e)(1) or (b)(3), and submit those documents for the Examiner's consideration on October 7, 2008. Those documents were cited on a PTO Form SB/08, along with a copy of the Japanese Office Action and of each document required under 37 CFR 1.98(a)(2) cited thereon was enclosed as well.

Applicants are now submitting partial unofficial English translations for JPU-H2-20487, JPA-S63-47104, JP-H10-229807 and the Japanese Office Action.

This statement is not to be interpreted as a representation that the cited documents are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any document herein be construed *per se* as a representation that such document is prior art. Moreover, Applicants understand the Examiner will make an independent evaluation of the cited documents.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

Please charge our Deposit Account No. 23-2185 in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 23-2185, under Order No. 000023.0122. A duplicate copy of this paper is enclosed.

Dated: November 25, 2008

Respectfully submitted,

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(Translation)

Mailing No 356958

Mailing Date: June 25, 2008

Office Action

Patent Application No. 2004-517399

Drafted: June 17, 2008

The present application is ought to be rejected for the following reasons. If the applicant has any argument, a written argument must be submitted within 3 months from the mailing date of this Office Action.

Reasons

1. This application does not comply with the requirements under the Japanese Patent Law Section 37 in the following respects.
2. The invention according to the following claims of this application should not be granted a patent under the provision of Patent Law Section 29(2) since it could have been easily made by those skilled in the art on the basis of the inventions described in the below-listed publications which were distributed in Japan or foreign countries prior to the filing of this application or of the invention(s) which have become available to the public through telecommunication lines
3. This application does not comply with the requirements under the Japanese Patent Law Section 36(6-ii) in the following respects relating to the description of claims.

Note

With respect to Reason 1

Inventions of Claims 1, 7, 8, 14, 21, 26, 37, 40, 49, and 50 have a common technical feature that a moulding surface is provided for moulding any moulded products.

However, the above mentioned technical feature, in light of the disclosures of Cited References 1 and 2, does not make any contribution to the prior art and thus is not technically special. Further, there can be found no other identical or corresponding special technical feature among the inventions.

Therefore, the invention of Claim 1 and those of Claims 7, 8, 14, 21, 26, 37, 40, 49, and 50 do not have the same or any corresponding special technical feature, resulting in that this application does not comply with the requirements under Patent Law Section 37.

Consequently, the Examiner perceives, as the above special technical feature, the point that a moulding surface includes "a boundary comprising walls and a base,

which boundary comprises a porous structure having intercommunicating pores" in the invention of Claim 1 and recognizes Claims 1-13, 21-25, 40-48 having the above structure as an invention with the scope satisfying unity of an invention.

Because this application does not meet the requirements under Patent Law Section 37, examination as to other requirements except those of Patent Law Section 37 has not carried out yet for the inventions of claims 14-20, 26-39, 49, and 50.

With respect to Reason 2

Claims: 1-6, 8-13, 40-43

Cited references: 1-3

Remarks:

Cited Reference 1 describes that a moulding device 1 moulds three-dimensional products from a mass of foodstuff and fills a mould cavity 4 with a portion of the mass and then the moulded product is removed from the mould cavity (see page 12, line 38 to page 17, line 29 and FIG. 4).

Cited Reference 2 describes (1) that a patty forming apparatus comprises a patty forming plate assembly including a slidable piston presenting a patty material-engaging face formed of porous material and movable within the cavity between a retracted position allowing flow of patty forming material into the cavity for forming of a patty therein, (2) that a patty forming apparatus comprises a patty-separating means includes means for applying a burst of pressurized fluid through the piston face to separate the patty therefrom, (3) that a piston 96 is provided with a peripheral ring 102 and the ring 102 is coupled to and supports a porous sintered metal or ceramic faceplate 104, and (4) that an adjacent surface of piston section 98 is provided with an air passageways 105 (see WO 91/01614, claims 1 and 8, FIGs. 10, 13, 14 and page 9, line 23 to page 10, line 33).

Cited Reference 3 describes that, in a moulding device for forming a product by overcrusting inner material by using plastic foodstuff material, (1) a female die is provided with a great number of pores like a porous plastic, (2) a lower side air chamber supporting and surrounding outside of the female die is connected with pressurizing and depressurizing mechanism, and (3) flours, particles and the like of the outer side materials filled into the pores are ejected from the pores by fumarolic gas of the inside surface of the female die 9 (see claims 2 and 3, and paragraph [0033] of the description).

Thus, in case where the patty forming plate assembly according to the invention described in Cited Reference 2 is applied to the moulding device according to the invention described in Cited Reference 1, it is possible to adopt, in stead of the piston 96, any structure comprising the female die and the lower side air chamber supporting and surrounding outside of the female die of the invention described in Cited Reference 3. By the use of the above structure, the invention of claims 1-6, 8-13, and 40-43 of the present application could have easily been made by those skilled in

the art.

Claim: 7

Cited References: 1-4

Remarks:

Cited reference 4 describes that a moulding die 10 comprises a plenty of pores 14, each of which is in communication with a moulding groove 13 of a moulding body 11 and manufactured by electrical discharging (see claim (2) and FIG.1).

Therefore, the invention of claim 7 of the present application could have been easily made by those skilled in the art.

Claims: 21-25, 44-48

Cited references: 1-3, 5

Remarks:

Cited Reference 5 describes that a constant volume discharge device comprises a hole of one end side of a rotary cylinder 5 in communication with an under end portion of a hopper 1 through a nozzle plate 3 (see page 5, line 2 to page 6, line 4 and FIGs. 1 and 2).

Therefore, the invention of claims 21-25 and 44-48 of the present application could have been easily made by those skilled in the art.

With respect to Reason 3

(We are under preparation of a draft amendment to overcome this reason of rejection.)

List of Cited References:

1. PCT Publication No. WO00/30458
2. Re-publication No. H05-500451 of Japanese Translation of PCT Publication No. WO91/01644 (PCT Application No. PCT/US90/02445)
3. Unexamined Japanese Patent Publication No. H1001998-229807
4. Unexamined Japanese Patent Publication No. S63(1988)-47104
5. Unexamined Japanese Utility Model Publication No. H02(1990)-20487